

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

SURGE TRANSPORTATION, INC. )  
                                )  
Plaintiff,                   )  
                                )  
v.                             ) Case No. 1:24-cv-2099  
                                )  
DIRECT CONNECT LOGISTIX, INC. )  
                                )  
and                            )  
MATTHEW R. MAY              )  
                                )  
Defendants.                 )  
\_\_\_\_\_

**JOINT MOTION TO REMAND TO STATE COURT**

Defendants Direct Connect Logistix, Inc. (“Direct Connect”) and Matthew R. May, and Plaintiff Surge Transportation, Inc. (“Surge Transportation”) jointly move to remand the instant case to Fairfax County Circuit Court. In support of the Joint Motion, the parties state as follows:

1. On November 22, 2024, Defendants removed this case from Fairfax County Circuit Court to this Court on the basis of diversity jurisdiction. (Dkt. 1.)
2. Plaintiff is a Florida corporation with its principal place of business in Florida. (*See* Dkt. 1-1, ¶ 2.) Therefore, for diversity purposes, Plaintiff is a citizen only of the state of Florida.
3. Direct Connect is an Indiana corporation, with its principal place of business in Indiana. (*See id.*, ¶ 5.) Therefore, for diversity purposes, Direct Connect is a citizen only of the State of Indiana.
4. At the time the State Court Case was filed, Mr. May was domiciled, and permanently resided, in the State of New York. (*See id.*, ¶ 6.) Therefore, for diversity purposes, Mr. May was a citizen of New York at the time the State Court Case was initiated.

5. At the time of Removal, Counsel for Defendants believed Mr. May remained domiciled in New York. However, shortly after the filing of the Removal, Counsel learned that Mr. May had relocated his domicile to Florida before the filing of Removal.

6. Given this updated information, it appears that the Court lacks jurisdiction to hear this action. *See, e.g., Lilla v. Progressive Marathon Ins. Co*, 2023 WL 3431230, at \*2 (E.D. Va. 2023) (requiring complete diversity at both the time of commencement and removal).

7. The parties jointly agree that, in light of this updated information, the Court should remand the case back to the Fairfax Circuit Court.

8. The parties waive oral argument on this Joint Motion.

Dated: November 25, 2024

/s/ Micah E. Ticatch

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*Counsel for Plaintiff*

\*\*\* signed by M. Ticatch with permission

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of November I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send notice to the following:

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